

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
July 23, 2002

Mayor Griffith called the meeting to order at 6:32 p.m.

Council Present: Mayor Griffith; Councilors Moore, Patton and Scheckla

- STUDY SESSION

- > PRELIMINARY RESULTS OF BULL MOUNTAIN ANNEXATION SURVEY DISCUSSION

Community Development Director Hendryx reviewed this item with the City Council. The consultant has completed 305 surveys regarding the question of support for annexation of some of the Bull Mountain area to the City of Tigard. Approximately one-half of the people surveyed lived in the City and one-half on Bull Mountain. Results are now being tabulated with a more comprehensive report delivered to the Council at its August 20 meeting.

Initial observations included that Tigard residents are more supportive (fairness issue: using and paying for services received) of annexation than are the Bull Mountain residents who were surveyed. Bull Mountain residents indicated a satisfaction with services received from Washington County and only a few people cited a deficiency in parkland as a concern. Mr. Hendryx advised that an educational component is needed for residents to understand the annexation process and services offered by the County and those offered by the City. Also, the County wants to get out of the business of offering urban services.

When the Council reviews the results of the survey on August 20, County Administrator Charles Cameron will be present to participate. Board Chair Tom Brian may also attend on the 20<sup>th</sup>.

Other issues impacted by the Council decision whether to pursue annexation include parks system development charges (now not being collected for unincorporated area of Bull Mountain), whether to continue with individual annexations, the City/County urban services agreement, and the urban growth boundary potential expansion.

> CITY AFFORDABLE HOUSING PROGRAM DISCUSSION

Community Development Director Hendryx reviewed the key points with regard to the Tigard Affordable Housing Program for land use strategies and non-land use strategies implemented. A copy of the chart reviewed by Mr. Hendryx is on file in the City Recorder's office.

The Council had received a copy of the draft Affordable Housing Program report in its Council packet and a copy is on file in the City Recorder's office. Mr. Hendryx reviewed the next steps that were outlined in the report, which included:

- Adopt standards for request for funds from the newly established set-aside to offset fees and charges on affordable housing development.
- Complete and submit Metro-required 2003 and 2004 affordable housing progress reports.
- Continue to provide support of the donation or reduced price sale of tax foreclosed and surplus properties to non-profit affordable housing providers.
- Provide yearly updates to Council on the affordable housing program.

> NEW LIBRARY FINANCING OPTIONS UPDATE

Finance Director Prosser reviewed with the City Council the financing options for constructing the new Tigard Library.

The Oregon Economic and Community Development Department (OECDD) contacted the City and offered to provide financing for this project through the Oregon Bond Bank. Mr. Prosser reviewed with the Council the pros and cons (list is on file in the City Recorder's office) for City-issued GO bonds vs. OECDD loan. After discussion, Council members supported the staff recommendation of proceeding with a loan from OECDD with certain conditions, primarily that the City receive all funds at the time of the bond sale and that the OECDD reporting requirements are simplified.

Mr. Prosser also advised Council that it has been called to his attention that HB 2014, passed in the last regular legislative session, has established a regulation that price cannot be used as a criterion in competitive bidding for awarding bids to architects, land surveyors, and engineers. Mr. Prosser advised that an addendum to a recent request for bids for architect/engineer, contract manager services was issued to note that price was removed from the bid-award selection criteria.

Staff has targeted the August 27, 2002, City Council meeting as the date for the Council public hearing and final decision on this matter.

> ADMINISTRATIVE ITEMS

- City Manager Monahan noted there is a problem with notification regarding two properties that will be affected by the public hearing scheduled as Agenda Item No. 7 for certain MUR 1 or 2 properties. Staff is recommending that the hearing be opened tonight and Council may want to hear the staff report and public testimony and then set the hearing over to August 27, 2002. This would give the staff an opportunity to renote the affected two property owners.
- City Recorder Wheatley reminded Council members that they have been asked to participate in the Tigard Blast Parade. Mayor Griffith will be the Grand Marshal. Councilor Scheckla advised he could probably participate as well.
- City Recorder Wheatley advised that Mayor Griffith had assembled enough signatures on nominating petitions so that he has now been qualified as a candidate for Mayor on the November 5, 2002, ballot. Two prospective Council candidates are circulating nominating petitions; they are Mark Mahon and Sydney Sherwood.
- Mayor Griffith reminded Council of the American Cancer Society Walk this coming weekend. The City of Tigard has two teams participating this year.
- Finance Director Prosser noted that Mr. Jones, a 69<sup>th</sup> Avenue Local Improvement District participant, has paid his assessment in full.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board to order at 7:33 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Moore, Patton and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Paula Walker, 9365 SW Millen Drive, Tigard, Oregon, on behalf of the Dog Park Task Force thanked the City Council and staff for their progressive attitude, which helped the Potso Dog Park become a reality. There was a grand opening for the park last Saturday. She said this is an achievement that the City can be proud of. Mayor Griffith also noted the current planning effort for a dog park to be located within Summerlake Park.

3. **CONSENT AGENDA:** Motion by Patton, seconded by Councilor Scheckla, to approve the Consent Agenda as follows:

3.1 Receive and File: Updated Progress Report – Quarter 2 – Council Goals

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. **ACKNOWLEDGE COMPLETION OF THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE'S MISSION AND COMMEND THE COMMITTEE MEMBERS FOR A JOB WELL DONE**

Library Director Margaret Barnes presented the staff report. The proposed resolution acknowledges the good work completed by the Committee and, now that its mission is complete, the termination of the Committee is appropriate at this point.

Mayor Griffith read the proposed resolution.

Motion by Councilor Patton, seconded by Councilor Moore, to adopt Resolution 02-46.

**RESOLUTION NO. 02-46 – A RESOLUTION TO ACKNOWLEDGE THE COMPLETION OF THE NEW TIGARD LIBRARY CONSTRUCTION COMMITTEE'S MISSION, TO COMMEND COMMITTEE MEMBERS FOR A JOB WELL DONE AND TO TERMINATE THE COMMITTEE.**

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes

Councilor Scheckla - Yes

Mayor Griffith presented an official, signed copy of the resolution to the Committee members present: George Burgess, Sue Carver, David Chapman, Brian Douglas, Kathy Sleeper, and Lonn Hoklin.

Councilor Patton said she was pleased and proud to have been a part of the group. She noted the wonderful contributions from Library Director Barnes, the staff, and the volunteers. She thanked them all for their efforts.

5. FORM THE NEW LIBRARY RESOURCE TEAM AND APPOINT MEMBERS TO PROVIDE CITIZEN PERSPECTIVE DURING THE DESIGN AND CONSTRUCTION PHASES OF THE NEW TIGARD LIBRARY

Library Director Barnes presented the staff report. Councilor Patton noted that with the ending of the New Library Construction Committee, an ad hoc committee seemed appropriate to represent citizens' interests in the building project. The proposed resolution would form the New Library Resource Team, which will consist of interested members of the former New Tigard Library Construction Committee. Ms. Barnes advised that the resolution should be amended to add Sue Carver's name to the New Library Resource team.

City Manager Monahan added that the Resource Team would be utilized to call upon its individual members for their expertise at particular times during the construction process.

Motion by Councilor Patton, seconded by Councilor Moore, to adopt Resolution No. 02-47, amended to add the name of Sue Carver to the Resource Team.

RESOLUTION NO. 02-47 – A RESOLUTION TO FORM THE NEW LIBRARY RESOURCE TEAM AND APPOINT MEMBERS TO PROVIDE CITIZEN PERSPECTIVE DURING THE DESIGN AND CONSTRUCTION OF THE NEW TIGARD LIBRARY

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. **UPDATE ON THE LIBRARY SERVICES TECHNOLOGY ACT GRANT:  
"HISPANIC YOUTH INITIATIVE"**

Library Director Barnes presented the staff report. The purpose of this \$16,000, one-year grant is to reach Hispanic young adults in the Tigard area and work with them to improve library service to Tigard's entire population. She noted the activity to date as a result of the grant.

7. **PUBLIC HEARING (QUASI-JUDICIAL) – CONSIDER AN ORDINANCE TO EXEMPT PROPERTIES THAT ARE ZONED MUR 1 OR 2 THAT WERE ZONED COMMERCIAL PRIOR TO MARCH 28, 2002, FROM MEETING CERTAIN REQUIREMENTS BEFORE BEING PERMITTED TO HAVE A COMMERCIAL USE**

**REQUEST:** The request is to modify the existing Development Code language to exempt properties that were zoned commercial prior to March 28, 2002 from being required to meet minimum residential density requirements prior to being permitted to have a commercial use on the property. There are 10 parcels (5.25 acres) within the City of Tigard's portion of the Regional Center that this exemption will apply to and are impacted by this amendment. Approximately 1.63 acres were identified as vacant or re-developable in determining target capacity numbers for the Regional Center, therefore, the number of units that would be lost if no residential use were constructed on these lots is approximately 42 units (if minimum densities were constructed). **LOCATION:** The Washington Square Regional Center area is bounded generally by Fanno Creek on the west, SW Greenburg Road and Hall Boulevard on the east, Red Tail Golf Course to the north, and Highway 217, including the Ash Creek area on the southern border. The MUR 1 and 2 zones are located within the Regional Center, generally west of Hall Blvd and east of Ash Creek. **ZONE:** Mixed Use Residential (MUR) 1&2. **APPLICABLE REVIEW CRITERIA:** Community Development Code Sections 18.380.020, 18.390.060; Comprehensive Plan Policies 1.1.1, 2.1.1 2.1.2, 5.1 and 6.1.1; Statewide Planning Goals 1, 2, 9, and 10; and Metro Functional Plan Titles 1 and 7.

- a. Mayor Griffith read the above description and opened the public hearing.
- b. Mayor Griffith asked the following questions regarding declarations or challenges
  - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? None reported.
  - Have all members familiarized themselves with the application? All indicated "yes."

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.
- c. Associate Planner Hajduk presented the staff report. She identified on a map two properties that had not been shown as "affected properties." For this reason, staff recommended Council hear the staff report, take testimony from anyone present to testify at tonight's hearing, and then continue the hearing to the August 27, 2002, City Council meeting.
- d. Public Testimony: Mayor Griffith read the following:
  - For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation that you believe apply to the decision.

Proponent:

- Mr. Bill Adams, 7889 SW Birdshill Court, Portland, OR 97223, testified in support of the proposed ordinance. He thanked staff for keeping him informed about this proposal.

Motion by Councilor Moore, seconded by Councilor Patton, to continue the hearing to August 27, 2002. The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

## 8. PREVIEW TIGARD BLAST

Community Development Director Hendryx introduced this agenda item. He introduced Mr. Tyler Ellenson, President of the Tigard Central Business District Association, who noted the activities of this event scheduled August 9-11 on Main Street. The event is designed to foster a sense of community and family spirit and to

showcase the downtown. He noted that Mayor Griffith will be the Grand Marshal of the Saturday parade.

9. LOCAL CONTRACT REVIEW BOARD (LCRB) PUBLIC HEARING – CONSIDER APPROVAL OF FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENT TO QUALIFY THE CONSTRUCTION OF THE NEW TIGARD LIBRARY AS A CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) CONTRACT

- a. LCRB Chair Griffith opened the public hearing.
- b. City Engineer Duenas presented the staff report, which is on file in the City Recorder's office. Mr. Duenas also reviewed the findings that were incorporated in the proposed resolution. Mr. Duenas outlined several key elements of a construction manager/general contractor contract.
- c. There was no public testimony.
- d. LCRB Chair Griffith closed the public hearing.
- e. Motion by Board Member Moore, seconded by Board Member Patton, to adopt LCRB Resolution No. 02-01.

LOCAL CONTRACT REVIEW BOARD RESOLUTION NO. 02-02 -- A RESOLUTION TO APPROVE FINDINGS FOR AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENT IN ACCORDANCE WITH CITY OF TIGARD LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULE 35.010 TO QUALIFY THE CONSTRUCTION OF THE NEW TIGARD LIBRARY AS A CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT.

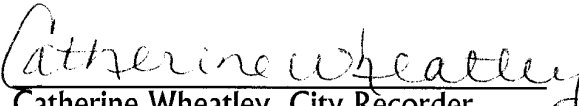
The motion was approved by a unanimous vote of the Local Contract Review Board members present:

Board Chair Griffith	-	Yes
Board Member Moore	-	Yes
Board Member Patton	-	Yes
Board Member Scheckla	-	Yes

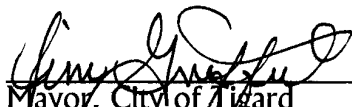
10. COUNCIL LIAISON REPORTS: None



11. NON AGENDA ITEMS: None
12. EXECUTIVE SESSION: Not held.
13. ADJOURNMENT: 8:19 p.m.

  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard  
Date: August 13, 2002

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